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In re Application of

Anma

Application No. 10/063,148

Filed: March 26, 2002

Attorney Docket No. SIMTEK6327

OFFICE OF PETITIONS

ON PETITION

This decision concerns the June 15, 2004 "Petition to Revive under 37 CFR 1.17(m)" (Certificate of Mailing date December 6, 2003) which is being properly treated as a petition to revive under 37 CFR 1.137(b).

The petition is **GRANTED**.

On June 4, 2003, a final Office action was mailed, setting forth a 3-month shortened statutory reply period. A proposed amendment, timely filed on September 3, 2003, did not place the application in condition for allowance and was not entered by the Examiner. The December 30, 2003 Advisory Action informed Applicant that the reply period for responding to the June 4, 2003 final Office Action would remain that set forth in that Office action. Given that no further response was filed on or before December 4, 2003, and no extension of time under 37 CFR 1.136(a) was obtained, the application became abandoned on September 5, 2003.

The instant petition encloses a Notice of Appeal, authorizes the USPTO to charge the \$1,330 petition fee and the \$330 fee for filing the Notice of Appeal to a credit card, and states in essence that the entire delay in filing a proper reply to the June 4, 2003 final Office Action from the due date until the filing of a grantable §1.137(b) petition was unintentional. The petition is thus granted.

In addition, an Appeal Brief was filed on April 8, 2004 (Certificate of Mailing date January 23, 2004). As also authorized, the \$330 filing fee for the Appeal Brief has been charged to the same credit card.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
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Office of Petitions